

Board of Adjustment



Minutes

City Council Chambers, Lower Level
August 10, 2010

Board Members Present:

Garrett McCray, Chair
Nicholas Labadie, Vice-Chair
Greg Hitchens
Dianne von Borstel
Tyler Stradling
Cameron Jones

Others Present:

Richard Richardson
Janet Richardson
Teresa & Jeff Rednour

Staff Present:

Angelica Guevara
Mia Lozano-Helland
Lesley Davis
John Wesley
Gordon Sheffield

The study session began at 4:35 p.m. The Public Hearing meeting began at 5:35 p.m. Before adjournment at 6:43 p.m., the following items were considered and recorded.

Study Session 4:35 p.m.

A. Election of Vice-Chair:

Boardmember Stradling nominated Boardmember Labadie for Vice-Chair, seconded by Boardmember von Borstel. Vote: 6-0

New Boardmember Cameron Jones was introduced.

B. The items scheduled for the Board's Public Hearing were discussed.

C. An update was provided by Mr. Sheffield that included:

1. Changes to the Zoning Ordinance Update schedule for introduction and adoption by City Council were announced. Questions followed regarding the adoption schedule and comments from the Homebuilders Association.
2. Mr. Sheffield also advised the Board that an appeal to the Board's decision for case BA10-003 has been withdrawn and the appeal to ZA10-010 has been served and the City of Mesa has responded. A brief discussion followed.

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Public Hearing 5:35 p.m.

- A. Consider Minutes from the July 13, 2010 Meeting A motion was made to approve the minutes with a minor edit by Boardmember Stradling and seconded by Boardmember von Borstel.
Vote: Passed 5-0 (Jones – abstain)

- B. Consent Agenda #1 A motion to approve the consent agenda as read was made by Boardmember von Borstel and seconded by Boardmember Hitchens. Vote: Passed 6-0

Consent Agenda #2 A motion to approve the consent agenda as read was made by Boardmember von Borstel and seconded by Boardmember Stradling. Vote: Passed 5-0 (Jones - abstain)

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Case No.: BA10-013

Location: 256 East Broadway Road (PLN2010-00058)

Subject: Requesting a Special Use Permit to allow auto repair and vehicle sales in the TCB-2 zoning district. **(Continued from the July 14, 2010 meeting)**

Decision: Continued to the September 14, 2010 meeting.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember von Borstel seconded by Boardmember Labadie to continue BA10-013 to the September 14, 2010 meeting.

Vote: Passed 6-0

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Case No.: BA10-045

Location: 2348 West Catalina Ave

Subject: Requesting a Variance to allow a residential addition to encroach into the required side yard in the R1-6 zoning district. (PLN2010-00165) **Continued from the July 13th, 2010 meeting.**

Decision: Approved

Summary: The applicant, Dan Covington, agreed to remove a portion of the structure to provide a 2' setback from the west property line. Mr. Covington explained that due to the construction details at that location he could only remove 2'-4" and not the 3' supported by staff. Angelica Guevara provided the staff report and comments.

Boardmember Hitchens asked about encroachment requirements and staff provided clarification.

Vice-Chair Labadie stated that a compromise had occurred and felt that the presented encroachment was acceptable.

Boardmember Jones agreed with the previous comments.

Boardmember Stradling also found the setback acceptable.

Board member von Borstel also agreed with the applicant's proposal.

Motion: It was moved by Boardmember Hitchens, seconded by Boardmember Labadie to approve BA10-045 with the following conditions.

1. *Compliance with the site plan submitted, except as modified by these conditions.*
2. *The proposed addition shall maintain a twenty-eight inch (28") setback from the side property line.*
3. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 6-0

Findings:

- 1.1 The applicant has been approved for a variance to construct an addition within a required side yard in the R1-6 zoning district.
- 1.2 The zoning code allows structures to lawfully encroach into a side yard when the structure is less than eight feet in height and less than 150 square feet in area and not within a side yard required for vehicular traffic.
- 1.3 The zoning code allows bay windows, chimneys, or similar wall projections to lawfully encroach

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two feet into any required side yard, provided the aggregate width of all such projections does not exceed ten-feet.

- 1.4** The previous building code required a three-foot separation between the property line and a structure.
- 1.5** With the staff conditions, the addition is equivalent to the encroachments already allowed into a side yard. There are special circumstances that would deprive the property of privileges enjoyed by other properties in the same zoning district. This variance does not constitute a special privilege unavailable to other properties in the vicinity and zoning district of the subject property.

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Case No.: BA10-047

Location: 2321 East Birchwood Ave

Subject: Requesting a Variance to allow an addition to encroach into a required setback in the R1-6 zoning district. (PLN2010-00192) **Continued from the July 13th, 2010 meeting**

Decision: Approved

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember von Borstel seconded by Boardmember Hitchens to approve BA10-047 with the following conditions.

1. *Compliance with the site plan submitted.*

2. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: 6-0

Findings:

- 1.1 The subject property is located within an R1-6 zoning district. The required street side yard setback is 10'. The structure encroaches into the required setback to the property line.
- 1.2 The applicant provided a justification statement citing the unusual shape of the lot, being wider at the front than at the back, due to the lot being on a street corner that is not 90 degrees. The applicant stated that this unusual shape limited the ability to add on to the home.
- 1.3 The Board found that the variance was justified based on the unusual shape of the lot. If the lot had a normal configuration with a 90 degree lot line the addition would meet the required 10' side yard setback.

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Case No.: BA10-050

Location: 1 – 270 West Main Street (PLN2010-00204)

Subject: Requesting a Special Use Permit to allow a Special Event to exceed the number of events allowed in a calendar year in the TCC zoning district.

Decision: Continuance to the September 14th, 2010 meeting.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember von Borstel, seconded by Boardmember Hitchens to continue BA10-050 to the September 14th, 2010 meeting.

Vote: Passed 6-0

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Case No.: BA10-052

Location: 4420 East Baseline Road

Subject: Requesting a Special Use Permit to allow to the development of a car wash in the C-2 zoning district. (PLN2010-00138)

Decision: Approved

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember von Borstel, seconded by Boardmember Hitchens to approve BA10-052 with the following conditions:

1. *Compliance with the elevations, site and landscape plans submitted except as modified by the conditions below.*
2. *Any detached sign along Baseline Road shall not exceed twelve-feet (12') in height and eighty square feet (80') in area.*
3. *All signs, attached and detached, shall require review and approval by Planning Division staff prior to the issuance of building permits.*
4. *Compliance with all Design Review requirements.*
5. *Compliance with all requirements of the Building Safety Division in the issuance of building permits.*

Vote: Passed 6-0

Findings:

- 1.1 The site located at east of the NEC Baseline Road and Greenfield Road is currently vacant. The site is part of the Greenfield Plaza shopping center, which is only partially developed.
- 1.2 The Special Use Permit allows the self service carwash facility in the C-2 zoning district .
- 1.3 The self service carwash building area is 3,525 square feet with total canopy area for 6,462 square feet with 27 parking spaces provided. The carwash lot coverage is 22%.
- 1.4 The site is 1.37 acres and is zoned C-2, surrounded by a service station to the west, the parking lot of the Greenfield Plaza shopping center to the north, a vacant lot to the east that is adjacent to the driveway access of the shopping center and Baseline Road on the south.
- 1.5 The SuperStar Express Carwash Facility is compatible with adjacent developments, as it is complimentary to the surrounding uses. Therefore, the SuperStar Express Carwash Facility is compatible with, and not detrimental to, surrounding properties.

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Case No.: BA10-053

Location: 1915 South Power Road

Subject: Requesting Special Use Permit to modify an existing Comprehensive Sign Plan in the C-2-DMP zoning district. (PLN2010-00213).

Decision: Approved

Summary: Jeff Guyette represented the case and stated that he did not agree with stipulations 3, 4, and 5. He further stated his justifications for the request including the sign size and locations on Power and Baseline Roads. Mr. Guyette provided examples of other locations that have been developed with similar amounts of signage.

Boardmember Hitchens asked about the pad site and did not agree with Mr. Guyette's concerns with visibility from westbound traffic on Baseline. He further inquired is there was already a monument sign on Baseline for Fry's. Mr. Guyette replied that there is a monument sign that is only for Fry's, the requested monument sign will include space for the shopping center tenants.

Mr. Sheffield clarified that maximum signage includes the total number of signs and provided additional information regarding allowable signage and the lack of uniqueness of the site that could justify the requested amount of signage that is in excess of sign area as well as excess height. He further pointed out that Mr. Guyette's request was for almost the double the allowable signage.

Chair McCray asked how much signage would be allowed for this site by code, staff replied that this site would be allowed 3 attached signs and that staff is supporting 4 signs as well as the signage on the kiosk. Staff was in concurrence and noted that condition of approval 5 would be removed. Discussion ensued regarding the desired additional height for the monument signs.

Boardmember von Borstel asked about the amount of signage at the Greenfield Road and Main Street location.

Boardmember Hitchens reviewed monument sign design and the amount of additional height and sign area. He stated that he was unable to support the request.

Boardmember Jones stated that he supports the signs on the canopy, but could not support the monument signs at 16'.

Chair McCray also agreed with the previous comments. He agreed that the signage on the kiosk was appropriate, but the over height and sign area were not supportable.

Vice-Chair Labadie agreed with the other board members, but stated that the monument signs were too big.

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Mr. Guyette commented that visibility from Power Road is limited by the curve in Power Road. He further pointed out that he has received approval from the Superstition Springs Homeowners Association and asked the Board to reconsider.

Mr. Sheffield suggested a different proposal that would allow two additional lower profile signs and reduce the height of the monument signs. Mr. Guyette did not agree with the suggestion and requested two (2) fifteen-foot (15') signs.

Chair McCray asked questions regarding the comprehensive sign details. A discussion followed. Chair McCray stated that condition 3 would be adjusted to read 5 signs, removing condition 5 and adjusting the aggregate attached sign area of the gas canopy to 110 square feet.

Motion: It was moved by Boardmember Hitchens, seconded by Boardmember Jones to approve BA10-053 with the following conditions:

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *Compliance with all conditions of cases Z10-17, ZA10-24, and DR10-06.*
3. *Tenant shall be allowed a maximum of five (5) attached signs, removing the proposed sign on the west elevation of the canopy.*
4. *Gas Canopy Tenant shall be allowed a maximum aggregate attached sign area of 110 square feet.*
5. *The two replacement monument signs (depicted with the major tenant name and the gas price table) shall not exceed twelve-feet (12') in height and eighty square feet (80') in area.*
6. *Final monument sign design described in Condition 6 above, shall reflect architectural characteristics of the major anchor tenant building design, and be reviewed and approved by Planning Division staff prior to the issuance of building permits.*
7. *Pump toppers and point of sale signs shall not be permitted within the development.*
8. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 5-0 (Stradling – abstained)

Findings:

- 1.1 There is an existing comprehensive sign plan for the commercial development, to allow the anchor tenant to have attached signage that exceeds current Code requirements (reference BA96-003). The service facility will modify the comprehensive sign plan to allow signs in excess of the allowances specified in the plan.
- 1.2 The applicant is replacing two existing detached signs of smaller area and height. One is along Power Road and another along Baseline Rd. The proposed detached monument signs will be built with newer and enhanced materials. However, both detached monument signs lack characteristic architectural elements from the Fry's Grocery building in terms of form. Condition 6 required the applicant work to with staff to finalize the design of the sign prior to submitting for Building Permit.
- 1.3 The existing comprehensive sign plan permits seven detached signs, four adjacent to Power Road and three along Baseline Road. The applicant will replace the two existing Fry's Food and Drug

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signs (one along Power Road and one along Baseline Road) with 16-foot high monument signs with 156 square-feet in area. The previously approved Fry's sign along Power is considered a 12' foot high sign with design embellishment above that height extending up to 15-foot, 3-inches high. The sign along Baseline was approved at 12-feet high and 20 square-feet in area.

- 1.4** Regarding the attached signs on the fuel canopy, the proposal is to install five signs with an aggregate area of 102 square-feet, as compared to the number and area allowed by the Sign Ordinance: a maximum three signs totaling 160 square-feet of aggregate sign area. Although the area is less than current Code maximums, the number of signs exceeds the ordinance maximum by 2.
- 1.5** The applicant exceeds current Code allowances related to the number of attached signs. Current Code allows three signs with 160 square-feet of aggregate area, the applicant requested five signs with 102 square-feet of aggregate area. Although the area is less than current Code maximums, the number of signs is more than that permitted by Code.
- 1.6** The existing comprehensive sign plan permitted three detached signs adjacent to Baseline Road and four detached signs adjacent to Power Road. This plan limited the height and area of monument signs to compensate for the attached signs for the Fry's grocery store that exceed current Code allowances. Given that this condition has not changed, it is still appropriate to limit the size and number of the proposed monument signs.
- 1.7** The modifications to the comprehensive sign plan in conjunction with the conditions of approval ensure that signs are compatible with, and not detrimental to, surrounding properties.

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Case No.: BA10-054

Location: 2327 East Kenwood

Subject: Requesting a Variance to allow an addition to encroach into the required side yard in the R1-9 zoning district. (PLN2010-00214)

Decision: Withdrawn

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember von Borstel, seconded by Boardmember Hitchens to withdraw BA10-054.

Vote: Passed 6-0

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Case No.: BA10-055

Location: 1163 West Broadway Road

Subject: Requesting a Special Use Permit to modify an existing Comprehensive Sign Plan in the M-1 zoning district. (PLN2010-00224).

Decision: Approved

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember von Borstel, seconded by Boardmember Jones to approve BA10-055 with the following conditions:

1. *Compliance with the sign plans submitted except as modified by the conditions below.*
2. *The number of attached signs shall not exceed 4 and the aggregate sign area for attached signs may not exceed 160 square feet.*
3. *The sign shall not exceed 8 feet in height and seventy square feet (70 square feet) in area.*
4. *Monument sign design shall be reviewed and approved by staff prior to the issuance of building permits.*
5. *"Pump topper" signs greater than three square feet, and all exterior mounted point-of-sale signs shall not be permitted within the development. Pump topper signs shall not be illuminated.*
6. *Replacement of all dead and dying landscape.*
7. *Compliance with all conditions of the Administrative Design Review approval for sign and building design.*
8. *Compliance with all conditions of approvals of case# DR 98-021, and BA98-08.*
9. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: 5-0 (Stradling - abstained)

Findings:

- 1.1 This Special Use Permit modifies an existing comprehensive sign plan. The modification consists of an existing fueling station that changes the name to Valero.
- 1.2 The design included repainting of the existing fueling station and was scheduled for Administrative Design Review process by staff.
- 1.3 The applicant has reused two existing detached signs of smaller area and height, one along Alma School Road and another along Broadway Road. The detached monument signs are built with newer and enhanced materials. Both detached monument signs incorporate architectural elements from the C-Store building and screen walls in terms of color, material, texture, etc. The attached signs on the fuel canopies, include three signs with an aggregate area of approximately 150 square feet. While current Code allows three signs with 160 square feet of aggregate area, the applicant will remain within the limit of aggregate area. Although the sign area is less than current

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Code maximums, the number of signs is more than that permitted by Code

- 1.5** The existing comprehensive sign plan permits two detached signs, one each along Broadway Road and Alma School Road. The aggregate height of each sign will not exceed 12-feet, and the sign area shall not exceed 80 square feet. The applicant will stay within both the aggregate height and the area of the signs. No new monument signs are proposed, only the replacement of two monument signs (one along Broadway Road and one along Alma School Road).
- 1.6** There was some concern that the design of the monument sign would not be consistent with the architecture of the development. To insure that the sign was compatible with the branding and existing architecture, a condition was included to require review of the sign by administrative Design Review process prior to the issuance of building permits.
- 1.7** The modifications to the comprehensive sign plan in conjunction with the recommended conditions insure that signs are compatible with, and not detrimental to, surrounding properties.

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Case No.: BA10-056

Location: 1028 South Bellview Circle

Subject: Requesting a Variance to allow an addition to encroach into the required side yard in the R1-6 zoning district. (PLN2010-00228)

Decision: Continuance to the September 14th, 2010 meeting.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember von Borstel, seconded by Boardmember Hitchens to continue BA10-056 to the September 14th, 2010 meeting.

Vote: 6-0

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Case No.: BA10-057

Location: 2828 East Escondido

Subject: Requesting: 1) a Variance to allow an encroachment into the rear yard; and 2) a Special Use Permit for Accessory Living Quarters; both in the R1-7 zoning district. (PLN2010-00235)

Decision: Approved

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember von Borstel, seconded by Boardmember Hitchens to approve BA10-057 with the following conditions:

1. *Compliance with the site and floor plan submitted.*
2. *The accessory living quarters shall not be leased or rented.*
3. *The accessory living quarters shall be served by the same utility services as the primary dwelling.*
4. *Compliance with all requirements of the Building Safety Division in the issuance of building permits.*

Vote: 6-0

Findings:

- 1.1 The subject parcel exceeds the minimum required size for lots in the R1-7 zoning district (7,000 square feet). The parcel is 14,071 square feet and typical lot sizes range from 7,000 to 8,000 square feet.
- 1.2 The subject parcel is odd shaped with five sides; two are considered rear property lines for setback requirements.
- 1.2 The two rear property lines are not adjacent to other single family homes. One of the rear property lines is adjacent to the Consolidated Canal that is adjacent to Lindsay Road. The other rear property line is adjacent to Meadowgreen Park a 6.6 acre neighborhood park.
- 1.3 The encroachment is only within one of the rear property lines that can be interpreted as an extension of the side property line. The ALQ is seven-feet from the side property line.
- 1.4 The is for one ALQ on the lot, with no entry visible from the street, the area is less than 50% of the roof area of the home, and is architecturally designed to be compatible with the home. The ALQ will be served with the same utility services as the home and will not be leased or rented.
- 1.5 The owners of the three properties closest to the subject parcel have expressed their support in writing for this request.

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A. Other Business:

Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator

Minutes written by Mia Lozano, Planning Assistant

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